

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

JOHN MICHAEL GALLOWAY,

Defendant.

Case No. 14-cr-00607-PJH-1

**ORDER FOR PRETRIAL PREPARATION
FOR CRIMINAL JURY TRIAL**

USA,

Plaintiff,

v.

NICHOLAS DIAZ,

Defendant.

Case No. 14-cr-00607-PJH-2

USA,

Plaintiff,

v.

GLEN GUILLORY,

Defendant.

Case No. 14-cr-00607-PJH-3

USA,

Plaintiff,

v.

THOMAS JOYCE,

Defendant

Case No. 14-cr-00607-PJH-4

Good cause appearing, it is hereby ordered that:

1. TRIAL DATE

a. Jury trial will begin on January 23, 2017, at 8:30 a.m., in Courtroom 3, 3rd Floor, 1301 Clay Street, Oakland, California.

b. The length of trial will not be more than 16 days.

2. DISCOVERY

Both sides shall comply with the Federal Rules of Criminal Procedure, and the United States shall comply with Brady v. Maryland, 373 U.S. 83 (1963) and United States v. Agurs, 427 U.S. 97 (1976).

3. PRETRIAL CONFERENCE

a. A pretrial conference will be held on January 11, 2017, at 2:30 p.m., in Courtroom 3, 3rd Floor. The attorneys who will try the case shall attend the conference and be prepared to discuss the matters set forth in Criminal Local Rule 17.1-1.

b. Not less than 14 days prior to the pretrial conference, counsel shall comply with Crim. L. R. 17.1-1(b) and shall file pretrial statements. Trial briefs are not required, but they will be considered only if filed not less than 14 days prior to the pretrial conference.

c. Not less than 14 days prior to the pretrial conference motions in limine shall be filed and noticed for hearing at the conference. Usually five or fewer motions per side is sufficient. Each motion should address a single topic and all five motions shall be contained in a single brief not exceeding twenty-five pages. Leave of court is required to file more than five motions or to exceed the page limitations.

d. Not less than 7 days prior to the pretrial conference responses to motions in limine, also not to exceed twenty-five pages, shall be filed. No replies are permitted unless requested by the court.

1 e. The attached juror questionnaire will be given to the venire members
2 and copies of the responses will be made available to counsel at the beginning of voir
3 dire. Counsel shall submit an agreed upon set of any additional voir dire questions to be
4 posed by the Court. Any voir dire questions on which counsel cannot agree may be
5 submitted separately. Counsel will be allowed brief follow-up voir dire after the Court's
6 questioning. Proposed voir dire questions must be submitted not less than 14 days prior
7 to the date of the pretrial conference.

8 f. Jury instructions 1.1 through 1.11, 2.1 through 2.2, 2.11, 3.1 through
9 3.9, and 7.1 through 7.6 from the Manual of Model Criminal Jury Instructions for the Ninth
10 Circuit (2010 Edition) will be given absent objection. Counsel shall submit a joint set of
11 these instructions along with a joint set of case specific instructions, using the Ninth
12 Circuit Manual where possible. Any instructions on which counsel cannot agree may be
13 submitted separately. Each requested instruction shall be typed in full on a separate
14 page with citations to the authority upon which it is based and a reference to the party
15 submitting it. A second blind copy of each instruction shall also be submitted omitting the
16 citation to authority and the reference to the submitting party.

17 g. A proposed form of verdict omitting reference to the submitting party
18 shall be filed by each party. Proposed instructions and verdict forms must be submitted
19 not less than 14 days prior to the date of the pretrial conference.

20 h. Jury Selection shall proceed as follows: The Jury Commissioner will
21 summon 35 to 40 prospective jurors. The Courtroom Deputy will select their names at
22 random and seat them in the courtroom in the order in which their names are called. Voir
23 dire will be conducted of sufficient venire members so that twelve (plus a sufficient
24 number for alternates) will remain after all peremptory challenges and an anticipated
25 number of hardship dismissals and cause challenges have been made.

26 The court will then take cause challenges and discuss hardship claims
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1 (which were not previously granted) at side bar. The court will inform counsel which
2 hardship claims and cause challenges will be granted, but will not announce those
3 dismissals until the selection process is completed. Peremptory challenges will be made
4 in writing in accordance with Crim. L. R. 24-2 and 24-3. The court will strike at one time
5 those with meritorious hardship claims, those excused for cause, and those challenged
6 peremptorily, and then seat the first twelve people (plus alternates) remaining in
7 numerical order.

8 i. Courtesy copies of all documents shall be provided for chambers at
9 the time of filing.

10 IT IS SO ORDERED.

11 Dated: December 17, 2015



PHYLLIS J. HAMILTON
United States District Judge

CONFIDENTIALJUROR QUESTIONNAIRE

Please fill out this form as completely as possible and print clearly. This will assist the judge and the lawyers in selecting a jury and will save time for them and for you.

Because copies will be made for the attorneys and the judge, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: _____

2. Your age: _____

3. City in which you reside: _____

4. If you have lived there for fewer than five years, where did you live before:

5. Your place of birth: _____

6. Do you rent or own your own home? _____

7. Your marital status: (circle one)

single married separated divorced widowed

8. What is your occupation and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

9. Who is (or was) your employer? _____

10. If you have held this job for fewer than five years, describe your previous job:

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11. If you are married, please list your spouse's occupation.

12. If you have children, please list their ages and genders and, if they are employed, please give their occupations.

13. Please describe your education background:

Highest grade completed:

College and/or vocational schools you have attended:

Major areas of study:

14. Have you served in the military? _____

15. Have you, any member of your family, or close friend ever been employed by a law enforcement agency? _____

16. Have you ever had jury experience? No. of times?

If yes: State/County Court

Federal Court

When?

Was it a civil or criminal case?

Did any of the juries reach a verdict?